

**SUBCHAPTER 3I - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL
DRIVER TRAINING SCHOOLS AND INSTRUCTIONS**

SECTION .0100 - GENERAL PROVISIONS

19A NCAC 03I .0101 LOCATION OF DIVISION OF MOTOR VEHICLES

The School Bus and Traffic Safety Section of the North Carolina Division of Motor Vehicles is located at:
1100 New Bern Avenue
Raleigh, North Carolina 27697
All forms required by the rules contained in this Subchapter (hereinafter referred to as "rules") may be obtained at this address.

History Note: *Authority G.S. 20-1; 20-39(b); 20-320 through 20-339;*
 Eff. July 2, 1979;
 Amended Eff. December 1, 1993; May 1, 1987.

19A NCAC 03I .0102 PURPOSE OF REGULATIONS

Article 14, Chapter 20 of the General Statutes of North Carolina provides for the licensing and regulation of commercial driver training schools and instructors. Pursuant to the authority contained in this law, the Commissioner of Motor Vehicles has hereby adopted the regulations contained in this Subchapter concerning the administration and enforcement of that Article. These regulations establish minimum standards for the operation of commercial driver training schools and will be used by the Division of motor vehicles in administering Article 14.

History Note: *Authority G.S. 20-321;*
 Eff. July 2, 1979;
 Amended Eff. December 1, 1993.

19A NCAC 03I .0103 EFFECTIVE DATES

History Note: *Authority G.S. 20-321;*
 Eff. July 2, 1979;
 Repealed Eff. June 1, 1982.

19A NCAC 03I .0104 DEFINITIONS

As used in the regulations contained in this Subchapter:

- (1) "Commercial Driver Training School Branch Office" or "Branch" is a training facility operated by a commercial driver training school at a location different than the principal place of business, where the education and training of persons, either practical or theoretical, or both, to operate or drive a motor vehicle is carried on and a consideration or tuition is charged therefor.
- (2) "Hearing Officer" means an officer or employee of the Division appointed by the commissioner, who has a minimum of five years of experience as a supervisor and thorough knowledge of the laws and regulations governing the Division.
- (3) "Representative" means a duly authorized employee of the Division of Motor Vehicles.
- (4) "Restricted Commercial Driver Training School" means a commercial driver training school which is restricted to a curriculum of evaluation for licensed adult drivers only.

History Note: *Authority G.S. 20-4.01; 20-320; 20-321;*
 Eff. July 2, 1979;
 Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982.

SECTION .0200 - REQUIREMENTS AND APPLICATIONS FOR COMMERCIAL DRIVER TRAINING SCHOOLS

19A NCAC 03I .0201 REQUIREMENTS

The Division shall not issue a commercial driver training school license to any individual, partnership, group, association or corporation unless:

- (1) The individual, partnership, group, association or corporation has at least one motor vehicle registered or leased in the name of the school, which vehicle has been inspected by a representative of the Division and vehicle insurance certified as required by this Subchapter for use by the school for driver training purposes and driver instruction.
- (2) The individual, partnership, group, association, or corporation has at least one person licensed by the Division as a commercial driver training instructor for that school.
- (3) Each manager, owner-operator, or instructor of a commercial driver training school or branch shall:
 - (a) be of good moral character;
 - (b) have at least four years of experience as a licensed operator of a motor vehicle;
 - (c) not have been convicted of a felony or convicted of a misdemeanor involving moral turpitude in the ten years immediately preceding the date of application;
 - (d) not have had a revocation or suspension of his Class A, B or C license in the two years immediately preceding the date of application.

History Note: Authority G.S. 20-322;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; April 1, 1989; May 1, 1987; June 1, 1982.

19A NCAC 03I .0202 ORIGINAL APPLICATION

Each original application for a commercial driver training school license shall consist of the following:

- (1) Application for license;
- (2) Personal history statement (Form SBTS-601, available from the School Bus and Traffic Safety Section) of owner-operator or manager;
- (3) Proposed plan of operation;
- (4) Proof of liability insurance;
- (5) Sample copies of contracts;
- (6) A check or money order in the amount of eighty dollars (\$80.00). This fee is due for both original and renewal applications for license;
- (7) Certificate of assumed name;
- (8) Surety Bond;
- (9) A report from the appropriate government agency indicating that the location or locations meet fire safety standards;
- (10) A copy of the deed, lease, or other legal instruments authorizing the school to occupy such locations;
- (11) List of fees for all services offered by the school;
- (12) A copy of lease agreement if leasing vehicles; and
- (13) A copy of the business insurance covering injury to a student.

History Note: Authority G.S. 20-322; 20-323;
Eff. July 2, 1979;
Amended Eff. April 1, 1999; July 1, 1994; December 1, 1993; September 1, 1990; April 1, 1989.

19A NCAC 03I .0203 RENEWAL APPLICATIONS

Renewal applications shall be made every two years. All licenses expire on the anniversary date, and no school is permitted to operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed; and renewal of such license must be by the same process as required for an entirely new school, with all forms and certifications being required.

History Note: Authority G.S. 20-322; 20-324; 20-325;
Eff. July 2, 1979;
Amended April 1, 1999; June 1, 1982.

19A NCAC 03I .0204 DUPLICATE COPIES

All applications, either original or renewal, for a commercial driver training school or branch shall be completed in duplicate. The original copy of each form shall be submitted to the School Bus and Traffic Safety Section of the Division of Motor Vehicles at the address specified in Rule .0101 of this Subchapter. A copy of each form shall be filed at the place of business.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. May 1, 1987.

19A NCAC 03I .0205 CHANGES IN APPLICATION INFORMATION

The Division must be notified in writing within 10 days of any changes in the officers, directors, owners, or manager of any school or branch. The Division must also be informed within 10 days of the addition or deletion of any motor vehicles, and a supplemental schedule of motor vehicles must be filed. (Supplemental motor vehicle schedules shall be accompanied by a properly executed insurance certificate.) If the school has a change in ownership, the new owner must file an original application with the Division as described in Rule .0202 and be approved by the Division before beginning operation of the school under the new ownership. Failure to inform the Division of the required changes shall be grounds for suspension or revocation of the license.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. May 1, 1987.

19A NCAC 03I .0206 LICENSE FEES

History Note: Authority G.S. 20-324;
Eff. July 2, 1979;
Amended Eff. June 1, 1982;
Repealed Eff. May 1, 1987.

19A NCAC 03I .0207 BRANCH OFFICES

Any school desiring to open a branch shall make application for such branch on forms furnished by the Division in the same manner and to the same extent as for an original license. A commercial driver training school may operate a branch office anywhere in the state provided the branch meets all the requirements of the principal place of business.

History Note: Authority G.S. 20-322; 20-323; 20-324;
Eff. July 2, 1979;
Amended Eff. August 1, 2000.

19A NCAC 03I .0208 SURRENDER OF LICENSES

Any licensed commercial driver training school or branch which ceases to carry on the business of giving instruction for hire in the driving of motor vehicles or which has a change of ownership shall, within five days, surrender its commercial driver training school license and all instructor licenses issued to driver training instructors employed by the school.

History Note: *Authority G.S. 20-322 through 20-325;*
 Eff. July 2, 1979;
 Amended Eff. May 1, 1987.

19A NCAC 03I .0209 LICENSE REQUIRED

No school or branch shall operate, advertise for business or collect monies without the proper license in hand as set forth in this Subchapter.

History Note: *Authority G.S. 20-322;*
 Eff. July 2, 1979;
 Amended Eff. December 1, 1993; September 1, 1990.

19A NCAC 03I .0210 LICENSE FEES

History Note: *Authority G.S. 20-324;*
 Eff. February 1, 1988;
 Repealed Eff. December 1, 1993.

19A NCAC 03I .0301 GENERAL PROVISIONS

Every school shall maintain a business office open to the public in a permanent-type building. Schools or branches may not be located within or adjacent to a building in which applications for driver licenses are received by the Division; and no business may be solicited on property occupied by or adjacent to a building in which applications for driver's licenses are received by the Division.

History Note: *Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324;*
 Eff. July 2, 1979;
 Amended Eff. August 1, 2000; June 1, 1982.

19A NCAC 03I .0302 OFFICE

The office shall be the principal place of business, and must be sufficient for conducting all business related to the operation of the school including, but not limited to:

- (1) facilities for conducting personal interviews;
- (2) storage of all records required for the operation of the school;
- (3) secretarial or telephone answering service available for a minimum of six hours between 9:00 a.m. and 5:00 p.m. on normal business days;
- (4) a copy of North Carolina Motor Vehicle Laws Chapter 20 of the General Statutes; and
- (5) if located in conjunction with classroom facilities, office must be separated by a physical barrier.

History Note: *Authority G.S. 20-321; 20-322; 20-323; 20-324;*
 Eff. July 2, 1979;
 Amended Eff. August 1, 2000; December 1, 1993; November 1, 1991; June 1, 1982.

19A NCAC 03I .0303 CLASSROOM FACILITY

Classwork may only be conducted in locations approved by the Division of Motor Vehicles. The classroom facility shall meet the following minimum requirements:

- (1) a minimum overall size of not less than 120 square feet (which includes at least 70 square feet for the instructor and his equipment and at least 12 square feet for each student);
- (2) lighting, heating, and ventilation systems that are in compliance with all state and local laws and ordinances including, but not limited to, zoning, public health, safety, and sanitation;
- (3) seats and writing surfaces for all students; blackboards visible from all seats; charts, diagrams, mock-ups and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; and a textbook from the approved list for each student; and
- (4) restroom facilities sufficient for the class size must be provided.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; November 1, 1991; April 1, 1989; June 1, 1982.

19A NCAC 03I .0304 BRANCHES

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Repealed Eff. May 1, 1987.

19A NCAC 03I .0305 DISPLAY OF LICENSES

Every school and branch must have displayed in a prominent place in its office licenses issued to it by the Division, a list of all instructors, and a list of fees for all services offered by the school or branch.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979.

19A NCAC 03I .0306 INSPECTIONS

The Division shall make periodic inspections (at least annually) of schools and branches to determine compliance with laws.

The inspection shall be made during regular business hours by authorized representatives of the Division. Inspections shall include examination of all school records; contracts; classroom facilities; training devices; instructional materials and instructional methods; vehicles; and any other item required by law or regulation. Each owner, partner, associate, corporate officer, or employee of any commercial driver training school shall cooperate with the Division's representative and, upon demand, shall exhibit all records, instructional aids and equipment, and any other items which are required for the inspection.

Refusal to permit inspections shall be grounds for revocation of the license. Records shall be retained by the school for a period of three years.

History Note: Authority G.S. 20-321 through 20-324;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982.

19A NCAC 03I .0307 COURSES OF INSTRUCTION

Commercial driver training schools may teach the following courses:

- (1) For unlicensed persons 18 years of age or older, a course as follows:

- (a) Classroom Instruction. A minimum of six hours, including (but not limited to) rules of the road and other laws affecting the operation of motor vehicles, safe driving practices, pedestrian safety, and the general responsibilities of the driver. No class may consist of more than 50 students. Classroom work shall be limited to no more than six hours per day.
 - (b) Behind-the-Wheel Instruction. A minimum of six hours, including instruction and practice in all the basic physical skills necessary for proper control of a motor vehicle in all normal driving situations, such as starting, stopping, steering and turning, controlling the vehicle in traffic, backing, and parking. A valid learner's permit issued by the Driver License Section of the Division is required.
 - (c) A person holding a valid learner's permit issued by the Driver License Section of the Division shall not be required to take the six hours of classroom instruction set forth in Sub-item (1)(a) of this Rule.
 - (d) A person holding a valid learner's permit or driver's license issued by the Driver License Section of the Division may contract for any portion of the six-hour behind-the-wheel instruction.
- (2) For licensed persons a course for purposes of driver improvement, such as improving their knowledge and skill in the operation of a motor vehicle.
- (3) For unlicensed persons under the age of 18 years, a course which must be approved by the Commissioner and the State Superintendent of Public Instruction as follows:
 - (a) Classroom Instruction shall not include workbook assignments or other work out of the presence of an instructor. An instructor or employee of a commercial driver education school shall not administer a proficiency test. No class may consist of more than 50 students. Classroom work shall be limited to no more than three hours per day on school days and six hours per day on non-school days. A minimum of 30 hours shall be taught, consisting of instruction in:
 - (i) highway transportation: its social and economic influences upon life in America;
 - (ii) drivers: their physical and mental characteristics and how their capabilities and limitations influence the traffic scene;
 - (iii) the automobile: its construction, maintenance, and safe operation;
 - (iv) traffic law and enforcement: laws of nature and man-made laws; and their relationship to traffic safety;
 - (v) pedestrians and bicycles: their influence upon the traffic scene;
 - (vi) engineering: its influence upon automobiles, highways, traffic controls, and people;
 - (vii) driving while impaired; six hours of instruction on the effects of drinking upon driving and upon accident and death rates; and
 - (viii) rights and privileges of handicapped persons; their rights to use flags, placards, cards, license plates, and parking places.
 - (b) Behind-the-Wheel Instruction. A minimum of six hours, actually under the wheel, including:
 - (i) familiarization with the automobile; the use of its controls; and the development of skills essential to safe operation in traffic; and
 - (ii) driving in traffic with the instructor in a dual control car to develop abilities needed to follow the soundest course of action in responding to complex situations.
 - (iii) simulators may not be substituted for any part of the six hours of behind-the-wheel instruction.
 - (c) Restrictions:
 - (i) Behind-the-Wheel instruction shall be offered to a student only after he has completed the classwork section. If a student has contracted for both classwork and behind-the-wheel training, behind-the-wheel training may begin after classwork starts and before classwork has been completed. At no time shall a student be taken out of class to attend behind-the-wheel training.
 - (ii) No student shall operate a motor vehicle upon any public street or highway unless such student shall have in his immediate possession a valid Restricted Instruction Permit issued by the Division.
 - (iii) No more than two hours of behind-the-wheel training shall be given in any one day. A written record indicating the date and time of this training shall be kept on file for each student. The record must be signed by the student in ink after each driving session, and

shall not include any hours of observation of other students, i.e. mere presence in the car while someone else is driving.

- (iv) Whether private, or a contract with a school system, an instructor may not provide behind-the-wheel training to more than three individuals. If transporting more than three individual students the instructor shall operate the vehicle.
- (d) Other requirements:
 - (i) Plans for the content of the curriculum, its organization, and presentation shall be submitted on Form SBTS-610 for the approval of the Commissioner and the State Superintendent of Public Instruction. In addition, lesson plans for each of the 30 hours must be submitted.
 - (ii) Textbooks for use in the classwork section shall be chosen from those approved by the State Superintendent of Public Instruction.
 - (iii) Instructors must be approved by both the Commissioner and the State Superintendent of Public Instruction.
 - (iv) All expenses incurred in offering and teaching these courses shall be paid by the persons enrolled therein or the school offering the course.
 - (v) A student may enroll for either the classroom work or behind-the-wheel instruction, or both. A school may accept certification of completion of classroom instruction from any school authorized to offer such a course, provided the certificate (Form SBTS-611A) is signed by the principal of the public school, or the superintendent of the administrative unit of which it is a part, or the executive officer of a non-public secondary school. All SBTS-611A forms shall be mailed or taken directly to the high school for completion by the commercial school owner or instructor. Under no circumstances shall the form be given to the student.
 - (vi) Schools offering this course shall issue to their students upon completion of either or both parts of the course a certificate furnished by the Division (Form SBTS-611). This certificate verifies only the training taught by the commercial school. The student's name on this certificate must be as it appears on his birth certificate. Schools shall be accountable to the Division for all certificates issued to them.
 - (vii) The student, upon submitting certification of satisfactory completion of both parts of the driver education course, shall be eligible for licensing as provided by law. Such certification may be from either or both a public or non-public secondary school or a commercial driver training school.
 - (viii) Schools shall submit reports to the Division, as may be required by the Division Rules and their books and records shall be open to inspection by Division representatives at all reasonable times.
- (e) A person completing the 30 and six hour course who desires additional training may contract for any portion of the six-hour behind-the-wheel instruction.
- (4) For licensed persons taking a course offered by a restricted commercial driver training school, the following courses are authorized:
 - (a) curriculum for evaluation and improvement for licensed adult drivers only, utilizing over-the-road observation in vehicles not owned by the school or equipment such as driving simulators;
 - (b) professional curricula, including one or more of the following:
 - (i) police pursuit driving;
 - (ii) auto-cross driving;
 - (iii) emergency-vehicle driving; or
 - (iv) road and track racing.
- (5) Instructor training program, the requirements for which are:
 - (a) the school must be licensed one full year prior to approval;
 - (b) all work must be with an instructor licensed as an Instructor Trainer;
 - (c) a proposed plan of operation must be submitted to the Division outlining the training schedule, including:
 - (i) instruction in:
 - (A) using effective teaching methods,
 - (B) writing lesson plans,

- (C) reviewing of Rules Governing the Licensing of Commercial Driver Training Schools and Instructors,
- (D) using audio visual equipment and teaching aids,
- (E) filling out fully and properly all commercial school forms, and
- (ii) listing names of Instructor Trainers to be employed for the training program.

History Note: Authority G.S. 20-321; 20-322; 20-323; 20-324;
 Eff. July 2, 1979;
 Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; November 1, 1991; April 1, 1989.

19A NCAC 03I .0308 BRANCHES

A branch shall meet all requirements of a principal place of business including those listed in Rules .0302 and .0303 of this Section.

History Note: Authority G.S. 20-322 through 20-324;
 Eff. February 1, 1988.

19A NCAC 03I .0401 VEHICLE EQUIPMENT

Behind-the-wheel instruction of students in commercial driver training schools shall be conducted in motor vehicles owned or leased by the school. All vehicles used for the purpose of demonstration and practice shall:

- (1) be equipped with:
 - (a) dual controls on the foot brake;
 - (b) dual controls on the clutch, if the vehicle is equipped with a clutch and manual transmission;
 - (c) seatbelts for both the instructor and the students which shall be worn by the instructor and students while the vehicle is being used for instructional purposes;
 - (d) an outside rearview mirror mounted on the right side of the vehicle;
 - (e) a heater and defroster in working condition;
 - (f) all other equipment required by Chapter 20 of the North Carolina General Statutes;
 - (g) cushions for short drivers;
 - (h) seat adjustments which allow the seat to move easily and smoothly and to be secured;
 - (i) door locks which operate and have no sharp knobs;
- (2) bear a conspicuously displayed sign with wording to alert the general public of a "Student Driver," name and phone number of commercial driver education school, or school system, with whom the contract is established. The required wording must be visible from both the front and rear of the vehicle.

History Note: Authority G.S. 20-321; 20-322; 20-323; 20-324;
 Eff. July 2, 1979;
 Amended Eff. August 1, 2000; December 1, 1993; September 1, 1990; February 1, 1983.

19A NCAC 03I .0402 REGISTRATION: INSURANCE: INSPECTION

- (a) Each vehicle used by the school shall be registered as required by G.S. 20, and bear a current inspection certificate.
- (b) Each vehicle used by the school shall be insured by a company licensed to do business in North Carolina against liability in the amount of at least fifty thousand dollars (\$50,000) because of injury to or destruction of property of others in any one accident, one hundred thousand dollars (\$100,000) because of bodily injury to or death of one person in any one accident, and three hundred thousand dollars (\$300,000) because of bodily injury to or death of two or more persons in any one accident. This insurance coverage shall be secured on an annual basis. In the event coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least 10 days prior to the expiration date of the coverage. A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished upon 15 days prior written notice to the Division by the insurance underwriter.
- (c) Each vehicle used by a school shall be listed and inspected in the manner prescribed by the Division of Motor Vehicle rules. In addition, each vehicle shall be inspected and approved by a representative of the Division before it is used. Each

vehicle shall be inspected and approved by a representative of the Division annually and at any other reasonable time as indicated by the circumstances.

History Note: Authority G.S. 20-321; 20-322; 20-323; 20-324;
Eff. July 2, 1979;
Amended Eff. August 1, 2000; May 1, 1987.

19A NCAC 03I .0403 EXEMPTION AND SPECIAL REQUIREMENT

Restricted commercial driver training schools shall be exempt from the equipment requirements of Rule .0401 of this Section. All vehicles used in the instructional program shall meet the equipment requirements of Chapter 20 of the North Carolina General Statutes.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. May 1, 1987.

19A NCAC 03I .0501 REQUIREMENTS

- (a) Each instructor of a commercial driver training school or branch shall:
- (1) have at least four years of experience as a licensed operator of a motor vehicle;
 - (2) not have been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, in the ten years immediately preceding the date of application;
 - (3) not have had a revocation or suspension of his driver's license in the five years immediately preceding the date of application;
 - (4) have graduated from high school or hold a high school equivalency certificate;
 - (5) not have had convictions for moving violations totaling five or more points in the three years preceding the date of application;
 - (6) have completed the 80-contact-hour, community-college course for driver education teachers; an equivalent course approved by the commissioner, or an Instructor Training Program conducted by an approved Commercial Driver Training School within four years prior to application;
 - (7) successfully complete the written test administered by a Driver Education Specialist; (Allowed only one retest)
 - (8) successfully complete the Miller Road Test given by a Driver Education Specialist; (Allowed only one retest)
 - (9) be issued an instructor's learning permit, valid for a three month probationary period;
 - (10) submit a criminal background check from the Clerk of Court for each county of residence for the past 10 years;
 - (11) be observed, evaluated, and recommended by a Driver Education Specialist within the three month probationary period; and
 - (12) be exempt from the 80-contact-hour basic course, Miller Road Test, and the probationary period if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the Department of Public Instruction and if he or she successfully completes the written Commercial Driver Education exam with a score of 80 or above, and if the test is administered by a Driver Education Specialist. The applicant is allowed only one retest.
- (b) An applicant will be issued an instructor's learner's permit which will be valid for three months. To be eligible for an instructor's learner's permit, the applicant shall meet requirements in Paragraph (a)(1) through (10) of this Rule and shall:
- (1) submit an Instructor Application with a sixteen dollar (\$16.00) application fee, copy of high school diploma or high school equivalency certificate, and physical examination form;
 - (2) successfully conduct two hours of classroom instruction within the three-month probationary period, while being observed and evaluated by a Driver Education Specialist, if the instructor wants to be licensed as a classroom instructor;

- (3) successfully conduct two hours of behind-the-wheel instruction within the three-month probationary period, while being observed and evaluated by a Driver Education Specialist, if the instructor wants to be licensed for behind the wheel instruction;
 - (4) be recommended by a Driver Education Specialist to receive an instructor's license;
 - (5) be exempt from Paragraph (b)(2), (3), and (4) of this Rule if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the Department of Public Instruction.
- (c) An instructor at an approved commercial driver training school may apply for an Instructor Trainer license. The Instructor Trainer shall:
- (1) have five consecutive years as an active licensed instructor;
 - (2) submit an application for Instructor Trainer License with a fee of eight dollars (\$8.00);
 - (3) complete two hours of classroom observation by a Driver Education Specialist while training instructors, not driver education students;
 - (4) complete two hours of behind-the-wheel observation by a Driver Education Specialist while training instructors, not driver education students;
 - (5) successfully complete the written test administered by a Driver Education Specialist; (Allowed only one retest)
 - (6) successfully complete the Miller Road Test given by a Driver Education Specialist; (Allowed only one retest)
 - (7) be recommended by a Driver Education Specialist;
 - (8) must requalify each school year.

History Note: Authority G.S. 20-322; 20-323; 20-324;
Eff. July 2, 1979;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1994; December 1, 1993; November 1, 1991;
September 1, 1990.

19A NCAC 03I .0502 ORIGINAL APPLICATION

Each original application for a commercial driver training instructor license shall consist of:

- (1) a combination application and personal history form which must be completed and signed by the applicant;
- (2) a physical examination report completed and signed by a licensed physician;
- (3) satisfactory evidence of high school graduation or equivalency;
- (4) evidence of completion of an approved driver education course;
- (5) a driver license record check for the previous three years if applicant has other than a North Carolina driver license; and
- (6) a check or money order in the amount of (sixteen dollars \$16.00).

History Note: Authority G.S. 20-322; 20-323; 20-324;
Eff. July 2, 1979;
Amended Eff. April 1, 1999; May 1, 1987; June 1, 1982.

19A NCAC 03I .0503 RENEWAL APPLICATION

(a) Renewal application shall be made by an instructor every two years. All licenses expire on the school's anniversary date, and no instructor is permitted to operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed; and renewal of such license must be by the same process as required for an entirely new license, with all forms and certifications being required.

(b) At least once every four years, an instructor must take the two-semester-hour college credit course required for the original license; provided, however, that an equivalent number of hours (64) may be substituted for this course in the following manner:

- (1) 16 hours (four for each full year of the four years) for active and continuing teaching of driver education;
- (2) 48 or more hours for attendance at teacher training workshops and short courses, professional driver training meetings and conferences in the field of driver education which have been approved in advance by the School Bus and Traffic Safety Section. Approval is to be given in the following manner:

- (A) re-Course (submit for approval):
 - (i) name and address of agency sponsoring the workshop, course or conference;
 - (ii) title, dates, and location of the workshop, course, or conference;
 - (iii) brief description of the workshop, course, or conference, including the number of hours;
- (B) Post-Course (submit for approval and credit):
 - (i) proof of attendance, number of contact hours actually attended, and passing grade (if applicable);
 - (ii) brief evaluation of the workshop, course, or conference.

(c) An accredited driver education teacher with a current certificate based on the requirements of the Department of Public Instruction is exempted from the requirements of Paragraph (b) of this Rule.

History Note: Authority G.S. 20-322; 20-323; 20-324; 20-325;
Eff. July 2, 1979;
Amended Eff. April 1, 1999; July 1, 1994; May 1, 1987; June 1, 1982.

19A NCAC 03I .0504 DUPLICATE COPIES

All applications, either original or renewal, for a commercial driver training instructor license shall be completed in duplicate. The original copy of each form shall be submitted to the School Bus and Traffic Safety Section of the Division of Motor Vehicles. A copy of each form shall be filed at the place of business.

History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. June 1, 1982.

19A NCAC 03I .0505 CONFIDENTIALITY

History Note: Authority G.S. 20-320 through 20-328;
Eff. July 2, 1979;
Repealed Eff. January 1, 1994.

19A NCAC 03I .0506 LICENSE FEES

History Note: Authority G.S. 20-324;
Eff. July 2, 1979;
Amended Eff. June 1, 1982;
Repealed Eff. December 1, 1993.

19A NCAC 03I .0507 SURRENDER OF LICENSES

Any licensed commercial driver training instructor who ceases to give instruction for hire in the driving of motor vehicles for the school for which he is licensed shall surrender his instructor's license within five days. The owner, partner, or chief corporate officer of the school shall be responsible for the return of the instructor's license to the Division on termination of employment of any instructor.

History Note: Authority G.S. 20-322 through 20-325;
Eff. July 2, 1979.

History Note: Authority G.S. 20-323;
Eff. July 2, 1979;
Repealed Eff. December 1, 1993.

(a) Commercial driver training school contracts with individual students, public schools, or private schools shall contain (but are not limited to) the following information:

- (1) the agreed total contract charges and full terms of payment thereof;
- (2) the number, nature, time and extent of lessons contracted for, including:
 - (A) classroom instruction:
 - (i) rate per hour;
 - (ii) date and time of first lesson and each subsequent lesson, the length of each lesson, and the total number of hours;
 - (iii) type of instruction;
 - (iv) a limit of fifty students and no more than three hours of classroom work per day on school days and six hours per day on non-school days for unlicensed individuals under the age of eighteen.
 - (B) behind-the-wheel instruction:
 - (i) rate per hour;
 - (ii) date and time of first lesson and each subsequent lesson, the length of each lesson, and the total number of hours;
 - (iii) nature of lessons, whether individual or group. An instructor may not provide behind-the-wheel training to more than three individual students.
 - (iv) rate for use of school vehicle for a driver's license road test, if an extra charge is made;
- (3) a statement which reads substantially as follows: "This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein shall bind neither the school nor the student."
- (4) a statement which reads as follows: "This school is licensed by the State of North Carolina, Division of Motor Vehicles."
- (5) a statement which reads as follows: "Under this agreement an instructor may not provide behind-the-wheel training to more than three individual students."

(b) If either the school or the instructor fails to comply with the provisions of any contract or agreement between the school and the student, the school shall refund, on a pro rata basis, all monies collected from the student as consideration for the performance of the contract or the agreement.

*History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; May 1, 1987; June 1, 1982.*

19A NCAC 03I .0602 PROHIBITED CONTRACT PROVISIONS

Commercial driver training school contracts shall not contain the following:

- (1) the statement "no refund" or its equivalent. The contract may, however, contain a statement that "The school will not refund any tuition monies or any part thereof when actual services have been rendered";
- (2) any statement to the effect that a driver's license is guaranteed or otherwise promised as a result of the driver's license training course.

*History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. July 1, 1994.*

19A NCAC 03I .0603 FILING OF CONTRACT WITH THE DIVISION

The commercial driver training school shall file with the Division sample copies of all written contracts and agreements at the time of the original application and also at any time thereafter when alterations to contracts are proposed.

*History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. June 1, 1982.*

19A NCAC 03I .0701 BONDS

Prior to license approval, a school shall file with the Division a continuous "cash" or "surety" bond written by a company licensed to do business in North Carolina in the amount of twenty thousand dollars (\$20,000) to indemnify any student against loss or damage arising out of the school's breach of contract between the school and the student (Form SBTS-606).

*History Note: Authority G.S. 20-324; 20-322; 20-323; 20-324;
Eff. July 2, 1979;
Amended Eff. August 1, 2000; July 1, 1994; May 1, 1987; July 1, 1983.*

19A NCAC 03I .0702 CERTIFICATE OF DEPOSIT

A certificate of deposit may be executed and filed in lieu of a bond (Form SBTS-607). The certificate shall be in the principal sum of the bond it stands in lieu of as provided in Rule .0701 of this Section.

*History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982.*

19A NCAC 03I .0703 ADVERTISING

A commercial driver training school may advertise by whatever method it sees fit with the following exceptions:

- (1) The address of a telephone-answering service, when it is not the same as the principal place of business of the school, shall not be shown in any medium of advertising or telephone directory. Nor shall any telephone directory listing or yellow page advertisement show a telephone number for a school unless it also shows a valid address, including the city, for the principal place of business of the school.
- (2) No advertisement shall indicate in any way that a school can or will issue or guarantee the issuance of a driver's license, or imply that preferential or advantageous treatment from the Division can be obtained.
- (3) A school may state in an advertisement that it has been approved and licensed by the Division.

*History Note: Authority G.S. 20-322 through 20-324;
Eff. July 2, 1979;
Amended Eff. July 1, 1994; June 1, 1982.*

SECTION .0800 - LICENSE REVOCATION OR SUSPENSION

19A NCAC 03I .0801 GROUNDS FOR REVOCATION OR SUSPENSION

The license of any commercial driver training school may be suspended or revoked by the Division if the licensee violates any provision of Article 14, Chapter 20 of the North Carolina General Statutes, or if the licensee violates any rule adopted pursuant to that article. In addition, a license may be suspended or revoked for any one of the following reasons:

- (1) conviction of the owner, manager, or any agent or employee of the school of a felony or any misdemeanor involving moral turpitude;
- (2) knowingly submitting to the Division false or misleading information relating to eligibility for a license;
- (3) evidence of substance abuse by the owner, manager, any agent or employee of the school;
- (4) failure or refusal to permit an authorized representative of the Division to inspect the school, equipment, records, or motor vehicles used to teach students; or failure or refusal to furnish full information pertaining to any and all requirements set forth in these regulations or in the application for the license;
- (5) failure to maintain adequate standards of instruction, such as but not limited to, either through lack of qualified instructors or through lack of equipment sufficient to adequately perform the course of instruction;
- (6) employment of any instructor who is not licensed by the Division;
- (7) failure of new owner to apply for and be licensed by the Division as a school under new ownership and also failure to notify the Division within the specified time of any change in management of the school;
- (8) aiding or assisting any person to obtain a driver's license by fraud (revocation in this instance shall be permanent);
- (9) unauthorized possession of application forms or examinations used by the Division to determine the qualification of an applicant for a driver's license.

History Note: Authority G.S. 20-231; 20-325;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; April 1, 1989; May 1, 1987.

19A NCAC 03I .0802 INSTRUCTOR LICENSE SUSPENSION OR REVOCATION

In addition to the grounds for revocation listed in Rule .0801 of this Section, the license of any commercial driver training instructor shall be revoked if his driver's license is suspended or revoked or if he accumulates seven or more points, as a result of being convicted of moving violations, in a twelve-month period. Reinstatement of the commercial driver training instructor's license shall follow the same procedure as an application for a new license.

History Note: Authority G.S. 20-231; 20-325;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; June 1, 1982.

19A NCAC 03I .0803 REVOCATION OR SUSPENSION PROCEDURE

If any school or instructor is alleged to be in violation of any provision of Article 14, G.S. Chapter 20 or of any provision of these Regulations, the school or instructor shall be notified by certified or registered mail of the suspension or revocation.

The notification shall set forth the details of the alleged violation which forms the basis for the action. The school (through its owner, partner, or corporate officer) or any instructor, may request in writing a hearing. This request must be made within 30 days of receipt of the certified or registered letter. The hearing shall be heard by an officer designated by the Commissioner and the school or instructor may be represented by counsel. Upon completion of the hearing, the Division shall notify the school or instructor within 30 days of the decision of the hearing officer. This decision may be appealed as provided by G.S. 150B.

History Note: Authority G.S. 20-231; 20-325;
Eff. July 2, 1979;
Amended Eff. December 1, 1993; February 1, 1988; May 1, 1987; June 1, 1982.

19 NCAC 03I .0804 PROBATIONARY PERIOD

If any school or instructor is found to be in violation of any provision of G.S. 20 Article 14, or any provision of these Rules, the school or instructor may be placed on probation. The length of the probationary period may not exceed one year. The probationary period shall be determined by the Commissioner or the Commissioner's authorized representative. The request by a school or an instructor for a hearing shall follow the same procedure as listed in Rule .0803 of this Section.

*Authority G.S. 20-321; 20-322; 20-323; 20-325;
Eff. August 1, 2000.*

SECTION .0900 - COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS

19A NCAC 03I .0901	PURPOSE
19A NCAC 03I .0902	DEFINITIONS
19A NCAC 03I .0903	CONTRACTS
19A NCAC 03I .0904	CANCELLATION AND REFUND PROCEDURES
19A NCAC 03I .0905	COURSE OF INSTRUCTION
19A NCAC 03I .0906	STUDENT REQUIREMENTS
19A NCAC 03I .0907	REPORTS TO BE SUBMITTED
19A NCAC 03I .0908	ADVERTISING
19A NCAC 03I .0909	MISCELLANEOUS

*History Note: Authority G.S. 20-320 through 20-328;
 Eff. July 1, 1983;
 Amended Eff. November 1, 1984; February 1, 1984;
 Repealed Eff. May 1, 1987.*